

F I L E D  
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District Court

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NOV 17 2005

For The Northern Mariana Islands  
By \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

JOHN BRADY BARRINEAU	) CIVIL ACTION NO. CV05-0028
	)
Plaintiff,	)
	)
vs.	) <b>FIRST AMENDED ANSWER OF</b>
	) <b>DEFENDANT PRO MARINE</b>
PMT TECHNOLOGY and CABRAS	) <b>TECHNOLOGY TO CROSS CLAIM OF</b>
MARINE CORPORATION	) <b>DEFENDANT CABRAS MARINE</b>
	) <b>CORPORATION</b>
Defendants.	)
	)

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COMES NOW Defendant **PRO MARINE TECHNOLOGY** (hereinafter "**PMT**"), through counsel, Dooley Roberts & Fowler LLP, by Tim Roberts, Esq., and hereby responds to the Cross Claim filed herein by Defendant/Cross-Claimant Cabras Marine Corporation ("**CMC**"), as follows:

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1. PMT admits the allegations contained in paragraph 1 of the Cross Claim.
2. PMT admits the allegations contained in paragraph 2 of the Cross Claim.
3. PMT admits the allegations contained in paragraph 3 of the Cross Claim.
4. PMT admits the allegations contained in paragraph 4 of the Cross Claim.
5. PMT lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in paragraph 5 of the Cross Claim, and on that basis denies the same.
6. Responding to the allegations contained in paragraph 6 of the Cross Claim, PMT states that CMC agreed to and did charter the M/V Cajun to PMT, that the M/V Cajun was necessary to PMT's work, but denies each and every allegation contained in paragraph 5 of the Cross Claim no specifically admitted herein.
7. PMT admits the allegations contained in paragraph 7 of the Cross Claim.
8. PMT admits the allegations contained in paragraph 8 of the Cross Claim.
9. Responding to the allegations set forth in paragraph 9 of the Cross Claim, PMT denies that Plaintiff suffered any damages, lacks knowledge or information sufficient to form a belief as to what Plaintiff was doing at the time of the incident referred to therein, but admits the remainder of the allegations contained therein.
10. PMT admits the allegations contained in paragraph 10 of the Cross Claim.
11. PMT admits the allegations contained in paragraph 11 of the Cross Claim.
12. PMT admits the allegations contained in paragraph 12 of the Cross Claim.
13. PMT admits the allegations contained in paragraph 13 of the Cross Claim.

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14. PMT lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth paragraph 14 of the Cross Claim, and on that basis denies the same.

15. PMT admits the allegations contained in paragraph 15 of the Cross Claim.

16. PMT admits the allegations contained in paragraph 16 of the Cross Claim.

17. Paragraph 17 is conclusion of law to which no answer is required

18. PMT denies the allegations contained in paragraph 18 of the Cross Claim.

#### **AFFIRMATIVE DEFENSES**

1. The Cross Claim filed by CMC fails to state a claim for which relief can be granted.

2. Any damages sustained by CMC were caused by the independent negligence of CMC, as alleged in the Complaint, thus CMC's damages must be reduced proportionately by the amount of causal negligence attributable to CMC.

3. Any damages sustained by CMC were caused by the negligence of CMC, which is greater than the negligence of PMT, if any, and thus CMC's claims are barred in their entirety.

4. CMC's own negligence was the superseding or intervening cause of any damages the Plaintiff and CMC may have sustained and CMC may not recover against PMT.

5. PMT reserves its right to assert such further affirmative defenses as may appear as discovery proceeds.

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**PRAYER**

WHEREFORE, PMT prays for relief herein as follows:

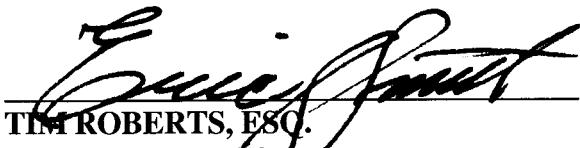
1. That CMC takes nothing against PMT by way of its Cross Claim;
2. That the PMT be dismissed with prejudice;
3. That PMT be awarded its costs in defending this action;
4. For such other and further relief as the Court may deem just and proper.

Respectfully submitted.

DOOLEY ROBERTS & FOWLER LLP  
LAW OFFICES OF SMITH & WILLIAMS

Dated: Nov 17, 2005

By:



**ERIC SMITH, ESQ.**  
**Attorneys for Defendant PMT**